

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3110.07US06

Kuslich et al.

Confirmation No.: 2692

Application No.: 10/812,345

Examiner: Candice Stokes

Filed: March 29, 2004

Group Art Unit: 3732

For: ANNULUS-REINFORCING BAND

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Spineology, Inc., of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,712,853. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is

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Application No. 10/812,345

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The Commissioner is hereby authorized to charge to Deposit Account No. 16-0631 \$65.00 for payment of the fee required under 37 C.F.R. § 1.321(b) and § 1.20(d). The Commissioner is hereby authorized to grant any extension of time necessary for consideration of this paper, and/or to charge any fee or credit any overpayment to Deposit Account No. 16-0631.

The undersigned is an attorney or agent of record.

Respectfully submitted,



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I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 703-872-9306 on the date shown below.

Date

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Wendy J. Cusick